

08-CV-05470-ORD

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IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

GREGORY A. DILEONARI	OO, II,)
) No. C08-5470 FDB
	Plaintiff,)
v.) ORDER CONCERNING THE PARTIES'
) CR 37 JOINT SUBMISSION CONCERNING
TARGET CORPORATION,) DEFENDANT'S MOTION TO COMPEL
) PLAINTIFF'S MENTAL EXAMINATION
	Defendant.) UNDER RULE 35
)

THIS MATTER came regularly before this Court on the parties CR 37 Joint Submission Concerning Defendant's Motion To Compel Plaintiff's Mental Examination Under Rule 35. The Court, having considered:

- 1. The joint submission;
- 2. The Declaration of Michael Griffin Regarding the Parties' CR 37 Joint Submission;
 - 3. The Declaration of Sarah Capelli Regarding the Parties' CR 37 Joint Submission;
- 4. The Declaration of Gregory A. DiLeonardo II Regarding the Parties' CR 37 Joint Submission;
 - 5. The Declaration of James P. Richmond Regarding the Parties' CR 37 Joint

Submission; and

(CASE NO. C08-5470 FDB))

[PROPOSED] ORDER CONCERNING THE PARTIES' CR 37 JOINT SUBMISSION CONCERNING DEFENDANT'S MOTION TO COMPEL PLAINTIFF'S MENTAL EXAMINATION UNDER RULE 35 - 1

Jackson Lewis LLP
One Union Square
600 University Street, Suite 2900
Seattle, Washington 98101
(206) 405-0404

6. The records and files herein:

HEREBY ORDERS THAT:

Plaintiff submit to a Rule 35 psychological examination by Douglas P. Robinson, M.D. in Dr. Robinson's Seattle office on either August 11 or 13, 2009, beginning at 11 a.m. If Plaintiff cannot be available either of these dates, and the parties cannot schedule another date before the end of discovery August 17, 2009, the Court orders that the discovery cutoff be extended only for purposes of obtaining Plaintiff's Rule 35 mental examination and submitting Dr. Robinson's expert report. The Court further orders that Target have two weeks from the date of Plaintiff's psychological evaluation in which to submit Dr. Robinson's expert report to Plaintiff.

Entered this _____ day of August, 2009.

THE HONORABLE FRANKLIN D. BURGESS UNITED STATES DISTRICT JUDGE

Presented by:

JACKSON LEWIS LLP

Approved as to Form; Notice of Presentation Waived:

LAW OFFICES OF JAMES P. RICHMOND

By /s/ Michael A. Griffin

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[PROPOSED] ORDER CONCERNING THE PARTIES' CR 37 JOINT SUBMISSION CONCERNING DEFENDANT'S MOTION TO COMPEL PLAINTIFF'S MENTAL EXAMINATION UNDER RULE 35

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